

Article - Health - General

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§21–301.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Bottled water” means any water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

(2) “Bottled water” does not include:

(i) Soft drinks; or

(ii) A beverage that is labeled “club soda” or “seltzer water”.

(b–1) “Cottage food business” means a business that:

(1) Produces or packages cottage food products in a residential kitchen;

(2) Sells the cottage food products in accordance with § 21–330.1 of this subtitle and regulations adopted by the Department; and

(3) Has annual revenues from the sale of cottage food products in an amount not exceeding \$25,000.

(b–2) “Cottage food product” means a nonhazardous food, as specified in regulations adopted by the Department, that is sold in the State in accordance with § 21–330.1 of this subtitle and regulations adopted by the Department:

(1) Directly to a consumer from a residence, at a farmer’s market, at a public event, by personal delivery, or by mail delivery; or

(2) To a retail food store, including a grocery store, or a food cooperative.

(c) “Crab meat” means the edible meat of steamed or cooked crabs.

(d) “Crab meat plant” means:

(1) A picking plant; or

(2) A place where crab meat is heat-treated to improve the keeping quality of the crab meat.

(e) “Excluded organization” means:

(1) A bona fide nonprofit fraternal, civic, war veterans’, religious, or charitable organization or corporation that does not serve food to the public more often than 4 days per week except that once a year an organization may serve food to the public for up to 30 consecutive days; and

(2) A volunteer fire company that does not serve food to the public more often than 4 days per week except that once a year a volunteer fire company may serve food to the public for up to 30 consecutive days.

(f) “Food establishment” means:

(1) A food service facility; or

(2) A food processing plant.

(g) (1) “Food processing plant” means any place used for, or in connection with, the commercial manufacturing, preparing, processing, packaging, canning, freezing, storing, distributing, labeling, or holding of food or drink for human consumption.

(2) “Food processing plant” includes:

(i) A bakery plant;

(ii) A cannery;

(iii) A confectionery plant;

(iv) A crab meat picking plant;

(v) A food manufacturing plant;

(vi) A food warehouse or distribution center;

(vii) A frozen food processing plant;

(viii) An ice manufacturing plant;

- (ix) A shellfish plant;
 - (x) A soft drink manufacturing plant; or
 - (xi) A bottled water plant.
- (3) “Food processing plant” does not include:
 - (i) A warehouse or distribution center that:
 - 1. Does not process food; and
 - 2. Stores only sealed containers of whole bean, ground or instant coffee, leaf or instant teas, nondairy dehydrated whiteners, sugar, or sugar-free sweeteners; or
 - (ii) A cottage food business.
- (h) (1) “Food service facility” means:
 - (i) A place where food or drink is prepared for sale or service on the premises or elsewhere; or
 - (ii) Any operation where food is served to or provided for the public, with or without charge.
- (2) “Food service facility” includes a micro market licensed under Title 17, Subtitle 17 of the Business Regulation Article.
- (3) “Food service facility” does not include:
 - (i) A kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or other disadvantaged populations;
 - (ii) A food preparation or serving area where food is prepared or served only by an excluded organization;
 - (iii) A location in a farmer’s market or at a public festival or event where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle, are sold; or
 - (iv) A cottage food business.

(i) “License” means a license issued by the Department under this subtitle to operate a food establishment.

(j) “Picking plant” means a place where:

- (1) Crabs are steamed or cooked;
- (2) Crab meat is picked from crabs; and
- (3) Crab meat is packed for sale.

(j-1) “Public festival or event” means a planned gathering that is open to the public and is regulated by the State or local jurisdiction in which it takes place.

(j-2) (1) “Semipermanent food service facility” means a food service facility that:

- (i) Is built at a location other than where it operates;
- (ii) Is transported as a complete unit that does not require a building permit to install on the location at which it operates;
- (iii) Has no indoor seating for patrons; and
- (iv) When serving cooked food, serves only foods cooked for immediate service.

(2) “Semipermanent food service facility” does not include a food service facility that is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water that moves as part of its routine operation to:

- (i) Change location for sales;
- (ii) Obtain food and other supplies;
- (iii) Fill potable water supply holding tanks;
- (iv) Empty wastewater holding tanks; or
- (v) Provide for the cleaning and sanitation of equipment and utensils.

(k) (1) Except as provided under paragraph (2) of this subsection, “soft drink” means any nonalcoholic beverage.

(2) “Soft drink” does not include:

(i) Apple cider;

(ii) Soft drinks that are manufactured on the premises of a soda fountain and used at that soda fountain; or

(iii) Bottled water.

(l) “Surimi” means an intermediate manufactured seafood product derived from minced fish meat, washed to remove water-soluble protein and blood or other undesirable components and mixed with additives to enhance its frozen storage and functional characteristics.

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